

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MELISSA CHILANO,)
)
Plaintiff,)
)
v.) CIV. NO. 3:15-CV-217
)
)(REEVES/SHIRLEY)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

ORDER OF REMAND UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g), reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

On remand, the Appeals Council of the Social Security Administration will remand this case to an administrative law judge (ALJ) and instruct the ALJ to: further consider the extent to which the claimant's use of a walker is medically necessary; evaluate the claimant's maximum residual functional capacity, including a limitation to address the claimant's medically necessary use of a walker; and, conduct a hearing, at which the ALJ will pose a vocational expert

hypothetical that states the claimant's residual functional capacity, which includes the use of a walker, to determine whether the claimant can perform other work in the national economy. See 20 C.F.R. § 404.1545; Social Security Rulings 85-16, 96-8p, and 96-9p.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.



Pamela J. Reeves
U. S. District Judge

Proposed by:

s/ Loretta S. Harber
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